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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JOSEPH TAYLOR, EDWARD MLAKAR,  
MICK CLEARY, and EUGENE ALVIS,  
individually and on behalf of all others  
similarly situated,

#### **Plaintiffs.**

V.

GOOGLE LLC,

**Defendant.**

Case No. 5:20-cv-07956-VKD

**DECLARATION OF WHITTY  
SOMVICHIAN IN SUPPORT OF L.R.  
6-2 STIPULATED REQUEST TO  
EXTEND CASE OMNIBUS MOTION  
TO SEAL DEADLINES AND  
[PROPOSED] ORDER**

Judge: Hon. Virginia K. DeMarchi

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 27 *Attorneys for Plaintiffs*  
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1 I, Whitty Somvichian, declare and state as follows:

2       1. I am an attorney licensed to practice law in the State of California and am a partner  
 3 at Cooley LLP. I am counsel for Defendant Google LLC (“Google”) in this matter. I make this  
 4 declaration based on my personal knowledge and, if called as a witness, I could and would testify  
 5 competently to the matters stated herein.

6       2. Counsel for Plaintiffs and Google in this matter are concurrently handling the *Csupo*  
 7 *v. Google LLC* matter in Superior Court in Santa Clara County, which raises materially the same  
 8 claims at issue in this litigation but on behalf of a California class (“*Csupo*”).

9       3. Over the course of this case, the Parties have had to negotiate extensions to the  
 10 schedule to ensure that it interlocks fairly and efficiently with relevant deadlines in *Csupo*, so that  
 11 neither side is prejudiced by deadlines in the other case, and both cases could proceed efficiently.

12       4. The Parties have since continued to actively litigate both the *Csupo* case and this  
 13 case, and have continued to make significant progress on multiple fronts, including (1) filing  
 14 *Daubert* motions and opening class certification briefing and completing mediation in this matter,  
 15 and (2) in the *Csupo* matter, completing briefing on summary judgment, supplemental class  
 16 certification, decertification, and expert challenge motions, while also litigating trial.

17       5. The Parties have endeavored to act with diligence and to keep existing deadlines in  
 18 this case, and pursuant to those deadlines, have exchanged expert reports, filed briefing on class  
 19 certification issues, filed *Daubert* motions, and conducted expert depositions.

20       6. The current deadline for Class Certification and Expert Challenges Replies is July  
 21 22, 2025 (ECF No. 203).

22       7. The current deadline for Google’s Omnibus Motion to Seal materials filed in  
 23 connection with Plaintiffs’ motion for class certification (including any opposition, reply, or other  
 24 filings related to that motion) and any expert challenge motions filed on March 11, 2025 by either  
 25 party (including any oppositions, replies, or other filings related to those motions) (collectively, the  
 26 “Materials”) is July 16, 2025 (ECF No. 200).

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1       8. Due to the changes in schedule for the Class Certification and Expert Challenges  
 2 briefing, the current deadline for Google's Omnibus Motion to Seal does not cover the Materials  
 3 as ordered by the Court;

4       9. The Parties jointly agree that good cause exists to modify the case schedule as set  
 5 forth in the chart below, including because: (1) Google's Omnibus Motion to Seal should cover the  
 6 at issue Materials; (2) the Parties are actively litigating both this matter and the concurrent Csupo  
 7 v. Google LLC matter in Superior Court in Santa Clara County, which raises materially the same  
 8 claims at issue in this litigation, and which was litigated at trial between June 1, 2025 and July 1,  
 9 2025 and; (3) the Parties have negotiated extensively regarding the issues driving this request and  
 10 have made every effort to resolve any underlying disputes without Court intervention; (4) the  
 11 requested extensions will not impact the trial date set in this case; and (5) the requested extensions  
 12 are in the interests of both Parties and the just and efficient progress of this matter, and are critical  
 13 to the Parties' ability to present the most helpful briefing and presentations to this Court.

14      10. The Parties stipulate and agree that the following revisions should be made to the  
 15 case schedule:

Event	Current Deadline	Stipulated Deadline
Omnibus Motion to Seal	July 16, 2025	August 6, 2025
Opposition to Omnibus Motion to Seal, if any	July 30, 2025	August 20, 2025
Any reply in support of Omnibus Motion to Seal	August 20, 2024	September 10, 2025

25      11. The Parties in this dispute have requested the following time modifications in this  
 26 case: on May 14, 2024 and June 13, 2024, the Parties stipulated to continue a case management  
 27 conference due to scheduling conflicts of lead counsel, which the Court granted (ECF Nos. 85, 86,  
 28 90, 91); on June 11, 2024, the Parties stipulated to extend the deadline to submit the Joint Case

1 Management Statement, which the Court granted (ECF Nos. 87, 88); on July 30, 2024, the Parties  
 2 stipulated to extend the deadline to submit an ESI and Protective Order, which the Court granted  
 3 (ECF Nos. 100, 101); on October 1, 2024, the Parties stipulated to extend the mediation deadline,  
 4 which the Court granted (ECF Nos. 108, 109); on November 1, 2024, the Parties stipulated to a  
 5 new hearing date for the October 23, 2024 dispute letter due to a scheduling conflict, which the  
 6 Court granted (ECF Nos. 125, 126); on November 5, 2024, the parties submitted a stipulation  
 7 requesting an extension of the deadline to submit discovery disputes that was denied without  
 8 prejudice (ECF Nos. 128, 130); on November 12, 2024, the parties submitted a request for an order  
 9 changing the time to file a discovery dispute letter-brief concerning the Boyer Experiment, which  
 10 the Court granted (ECF Nos. 132, 134); on January 10, 2025, the parties submitted a stipulation  
 11 requesting an extension of the deadline to exchange rebuttal expert reports and to conduct expert  
 12 depositions, which the Court granted (ECF Nos. 161, 162); on January 24, 2025, the parties  
 13 submitted a request for an extension of the case schedule and trial, which the Court granted (ECF  
 14 Nos. 163, 164); on March 7, 2025 the parties submitted a stipulation setting a briefing scheduling  
 15 for sealing motion, which the Court granted (ECF No. 165, 166); on March 28, 2025, the parties  
 16 submitted a request to extend the deadline for expert discovery, which the Court granted (ECF Nos.  
 17 186, 187); on April 9, 2025, the parties submitted a request to extend case deadlines, which the  
 18 Court granted (ECF Nos. 188, 189); on May 19, 2025, the parties submitted a request to extend  
 19 sealing deadlines, which the Court granted (ECF 199, 200); on July 1, 2025 the parties submitted a  
 20 request to extend deadlines associated with expert reply briefing, which the Court granted (ECF  
 21 202, 203).

22       12. The requested time modifications will affect the schedule in this case for the  
 23 deadlines and dates referenced in Paragraph 10. *See Civ. L.R. 6-2(a)(3)*. All other deadlines remain  
 24 the same, including the date for the final pre-trial conference and the trial date.

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1 I declare under penalty of perjury that the foregoing is true and correct.  
2 Executed on July 11, 2025, in San Francisco, California.

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4 */s/ Whitty Somvichian*  
5 Whitty Somvichian  
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